

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

<p>JONATHAN DAVIS and ALEXANDER HOLMES,</p> <p>Plaintiffs,</p> <p>v.</p> <p>J & L INVESTMENTS, INC. d/b/a McDONALDS; JOHN FREYBERGER; SCOTT AMES; and JEDIDIAH KEA, Individually and in their Corporate Capacities,</p> <p>Defendants.</p>	<p>CIVIL ACTION NO. _____</p> <p>Black Hawk County Case No. LACV142246</p> <p>DEFENDANTS' NOTICE OF REMOVAL</p>
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PLEASE TAKE NOTICE that Defendants J & L Investments, Inc. d/b/a McDonalds; John Freyberger; Scott Ames; and Jedidiah Kea, Individually and in their Corporate Capacities, (hereinafter "Defendants"), pursuant to 28 U.S.C. §§ 1331, 1441(a), (c), and 1446, file this Notice of Removal Based on a Federal Question, to remove to the United States District Court for the Northern District of Iowa an action initiated against them in the Iowa District Court for Black Hawk County. Removal of this action is based on the following:

1. Plaintiffs Jonathan Davis ("Davis") and Alexander Holmes ("Holmes") (hereinafter collectively "Defendants") filed an action in the Iowa District Court for Black Hawk County, Iowa, on or around March 9, 2021. The claims included federal claims pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and the Civil Rights Act of 1981, 42 U.S.C. § 1981 et seq.

2. Pursuant to 28 U.S.C. § 1446(a) and LR 81(a), copies of all pleadings and orders filed in the state court case are attached hereto as Exhibit A. Defendants' Statement Pursuant to Local Rule 81(a) is attached hereto as Exhibit B.

3. Defendants have furnished a copy of this Notice of Removal to the Clerk of the District Court of Black Hawk County and to counsel for Plaintiffs.

Basis of Removal – Federal Question

4. This action may be properly removed pursuant to 28 U.S.C. § 1331 because there is a federal question under both the Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and the Civil Rights Act of 1981, 42 U.S.C. § 1981 et seq.

5. Plaintiffs' assertion of claims under the specified federal laws allows for removal of this action pursuant to federal question jurisdiction. See 28 U.S.C. § 1331, § 1441(a), (c).

Venue

6. The Northern District of Iowa is the federal district embracing Black Hawk County, where the suit was originally filed. Venue, therefore, is appropriate in this district, pursuant to 28 U.S.C. § 1441(a).

7. Pursuant to 28 U.S.C. § 1446(d), the undersigned counsel certifies that a copy of this Notice of Removal will be served on counsel for Plaintiffs and filed promptly with the Clerk of the Iowa District Court for Black Hawk County. A copy of the written notice to be provided to the Plaintiffs and the Iowa District Court for Black Hawk County is attached hereto as Exhibit C.

8. By filing this Notice of Removal, Defendants do not waive any defenses that may be available to them and expressly reserve all such defenses, objections, and motions.

WHEREFORE, Defendants, J & L Investments, Inc. d/b/a McDonalds; John Freyberger; Scott Ames; and Jedidiah Kea, Individually and in their Corporate Capacities, pray that the action

currently pending against them in the Iowa District Court for Black County be removed to this Court, and that this Court assume full jurisdiction over the causes herein as provided by law.

/s/Margaret A. Hanson

Jo Ellen Whitney, AT008538

Margaret A. Hanson, AT0011866

DENTONS DAVIS BROWN PC

215 10th Street, Suite 1300

Des Moines, Iowa 50309

Telephone: (515) 288-2500

Facsimile: (515) 243-0654

Email: joellen.whitney@dentons.com

Email: margaret.hanson@dentons.com

ATTORNEYS FOR DEFENDANTS

Copy to:

Gregory F. Greiner

5550 Wild Rose Lane, Ste. 400

West Des Moines, IA 50266

Telephone: 515-650-4399

Facsimile: 515-650-4388

Email: greg@recovery-lawyers.com

ATTORNEY FOR PLAINTIFFS

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on April 12, 2020, by:

☐ US Mail

☐ FAX

☐ Hand Delivered

☐ Other

☐ Email

☒ CM/ECF

Signature: /s/Margaret A. Hanson